

U.S.C. 30118(b). In the case of a tire, this period shall be 5 calendar years.

[67 FR 64063, Oct. 17, 2002]

§ 573.14 Accelerated remedy program.

(a) An accelerated remedy program is one in which the manufacturer expands the sources of replacement parts needed to remedy the defect or noncompliance, or expands the number of authorized repair facilities beyond those facilities that usually and customarily provide remedy work for the manufacturer, or both.

(b) The Administrator may require a manufacturer to accelerate its remedy program if:

(1) The Administrator finds that there is a risk of serious injury or death if the remedy program is not accelerated;

(2) The Administrator finds that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both; and

(3) The Administrator determines that the manufacturer's remedy program is not likely to be capable of completion within a reasonable time.

(c) The Administrator, in deciding whether to require the manufacturer to accelerate a remedy program and what to require the manufacturer to do, will consult with the manufacturer and may consider a wide range of information, including, but not limited to, the following: the manufacturer's initial or revised report submitted under § 573.6(c), information from the manufacturer, information from other manufacturers and suppliers, information from any source related to the availability and implementation of the remedy, and the seriousness of the risk of injury or death associated with the defect or noncompliance.

(d) As required by the Administrator, an accelerated remedy program shall include the manner of acceleration (expansion of the sources of replacement parts, expansion of the number of authorized repair facilities, or both), may require submission of a plan, may identify the parts to be provided and/or the sources of those parts, may require the manufacturer to notify the agency and owners about any differences among

different sources or brands of parts, may require the manufacturer to identify additional authorized repair facilities, and may specify additional owner notifications related to the program. The Administrator may also require the manufacturer to include a program to provide reimbursement to owners who incur costs to obtain the accelerated remedy.

(e) Under an accelerated remedy program, the remedy that is provided shall be equivalent to the remedy that would have been provided if the manufacturer's remedy program had not been accelerated. The replacement parts used to remedy the defect or noncompliance shall be reasonably equivalent to those that would have been used if the remedy program were not accelerated. The service procedures shall be reasonably equivalent. In the case of tires, all replacement tires shall be the same size and type as the defective or noncompliant tire, shall be suitable for use on the owner's vehicle, shall have the same or higher load index and speed rating, and, for passenger car tires, shall have the same or better rating in each of the three categories enumerated in the Uniform Tire Quality Grading System. *See* 49 CFR 575.104. In the case of child restraints systems, all replacements shall be of the same type (*e.g.*, rear-facing infant seats with a base, rear-facing infant seats without a base, convertible seats (designed for use in both rear- and forward-facing modes), forward-facing only seats, high back booster seats with a five-point harness, and belt positioning booster seats) and the same overall quality.

(f) In those instances where the accelerated remedy program provides that an owner may obtain the remedy from a source other than the manufacturer or its dealers or authorized facilities by paying for the remedy and/or its installation, the manufacturer shall reimburse the owner for the cost of obtaining the remedy as specified on paragraphs (f)(1) through (f)(3) of this section. Under these circumstances, the accelerated remedy program shall include, to the extent required by the Administrator:

(1) A description of the remedy and costs that are eligible for reimbursement, including identification of the

equipment and/or parts and labor for which reimbursement is available;

(2) Identification, with specificity or as a class, of the alternative repair facilities at which reimbursable repairs may be performed, including an explanation of how to arrange for service at those facilities; and

(3) Other provisions assuring appropriate reimbursement that are consistent with those set forth in §573.13, including, but not limited to, provisions regarding the procedures and needed documentation for making a claim for reimbursement, the amount of costs to be reimbursed, the office to which claims for reimbursement shall be submitted, the requirements on manufacturers for acting on claims for reimbursement, and the methods by which owners can obtain information about the program.

(g) In response to a manufacturer's request, the Administrator may authorize a manufacturer to terminate its accelerated remedy program if the Administrator concludes that the manufacturer can meet all future demands for the remedy through its own sources in a prompt manner. If required by the Administrator, the manufacturer shall provide notice of the termination of the program to all owners of unremedied vehicles and equipment at least 30 days in advance of the termination date, in a form approved by the Administrator.

(h) Each manufacturer shall implement any accelerated remedy program required by the Administrator according to the terms of that program.

[67 FR 72392, Dec. 5, 2002]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Sec.

574.1 Scope.

574.2 Purpose.

574.3 Definitions.

574.4 Applicability.

574.5 Tire identification requirements.

574.6 Identification mark.

574.7 Information requirements—new tire manufacturers, new tire brand name owners.

574.8 Information requirements—tire distributors and dealers.

574.9 Requirements for motor vehicle dealers.

574.10 Requirements for motor vehicle manufacturers.

AUTHORITY: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

EDITORIAL NOTE: An interpretation of manufacturer's designee issued by NHTSA and published at 36 FR 9780, May 28, 1971, provides as follows:

"A request for an interpretation has been received from the Rubber Manufacturers Association asking that it be made clear that, under the Tire Identification and Record-keeping Regulation (part 574), particularly §§574.7 and 574.8, only the tire manufacturer, brand name owner, or retreader may designate a third party to provide the necessary recording forms or to maintain the records required by the regulation.

"Another person has requested an interpretation concerning the questions whether: (1) A tire manufacturer, brand name owner or retreader may designate one or more persons to be its designee for the purpose of maintaining the information, (2) an independent distributor or dealer may select a designee for the retention of the manufacturer's records, provided the manufacturer approves the designation, and (3) the independent distributor or dealer may seek administrative relief in the event he believes the information retained by the manufacturer is being used to his detriment.

"Under section 113(f) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402(f) and part 574, it is the tire manufacturer who has the ultimate responsibility for maintaining the records of first purchasers. Therefore, it is the tire manufacturer or his designee who must maintain these records. The term *designee*, as used in the regulation, was not intended to preclude multiple designees; if the tire manufacturer desires, he may designate more than one person to maintain the required information. Furthermore, neither the Act nor the regulation prohibits the distributor or dealer from being the manufacturer's designee nor do they prohibit a distributor or dealer from selecting someone to be the manufacturer's designee provided the manufacturer approves of the selection.

"With respect to the possibility of manufacturers using the maintained information to the detriment of a distributor or dealer, the NHTSA will of course investigate claims by distributors or dealers of alleged misconduct and, if the maintained information is being misused, take appropriate action.

"Issued under the authority of sections 103, 113, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1402, and 1407, and the delegation of authority at 49 CFR 1.51."